

## Department of Environmental Protection

Lawton Chiles  
Governor

Marjory Stoneman Douglas Building  
3900 Commonwealth Boulevard  
Tallahassee, Florida 32399-3000  
September 11, 1996

Virginia B. Wetherell  
Secretary

Ms. Kerl Akers  
State Clearinghouse  
Department of Community Affairs  
2555 Shumard Oak Blvd.  
Tallahassee, Florida 32399-2100

RE: COE/Navigation Study, Tampa Harbor-Big Bend Channel/Feasibility Report and  
Environmental Assessment, Hillsborough County  
SAI: FL9807180575C

Dear Ms. Akers:

The Department has reviewed the Draft Feasibility Report and Environmental Assessment (EA) on the U.S. Army Corps of Engineers' navigation study for the Tampa Harbor-Big Bend Channel. The project involves deepening and widening the existing Big Bend Channel, including the entrance channel, turning basin, inner channel and berthing areas. Section 2.3.2 of the Draft Environmental Assessment and Finding Of No Significant Impact (FONSI), outlines the Dredging Plan and the Alternative Disposal Plan C1/C2 (CMDA-3D). It states that Disposal Island 3D will be the primary disposal area for all excavated material and work would be scheduled to avoid the migratory bird nesting season, 1 April to 31 August.

The Department determined that dredging in the vicinity of this warm water refuge during the proposed dredging time window of 1 September to 31 March is unacceptable due to the following reasons:

1. There have been at least three known manatee deaths associated with dredging activities, and at least one other death suspected;
2. The standard manatee construction conditions alone are not sufficient to adequately protect large numbers of manatees in a specific area (see Attachments);
3. While the construction site is not located directly in seagrass beds and near a warm water outfall site, it is located immediately adjacent to areas where large numbers of manatees will be traversing. Manatees, while aggregating in warm water during colder weather, frequently disperse into surrounding areas including the construction area and the barge/tugboat travel corridor;
4. The existence of the bulkhead at the power plant may assist in concentrating the manatees while they are in the canal, but it does not prohibit them from dispersing out during the warmer portions of the day;
5. The presence of large numbers of manatees in the immediate vicinity of the project site (i.e., 120 animals on January 24, 1994) increases the probability that work will constantly need to cease according to the standard protection conditions. Creating a situation in which work will be constantly interrupted increases the potential for noncompliance with permit conditions; and,

Navigation Study/Tampa Harbor  
FL9807180575C  
Page Two

6. The barge/tugboat and/or crew boat traffic, as well as some of the types of dredges that may be used, create disturbances in the immediate vicinity of a warm water refuge location for large numbers of manatees. The effects of these disturbances can be difficult to measure and are, therefore, hard to mitigate and/or offset. It is important that manatees not be scared away or harassed into leaving warm water for quieter, colder waters.

It appears that the use of a hydraulic, pipeline dredge with a cutterhead is the method of choice for cost estimating purposes, according to page EA-4 of the proposal. Due to the depth of the cut (34-41 feet), the fact that the dredge does not continually move through the water column, and because frequent barge/tugboat trips are not required, it is our opinion that this is the preferred dredging method for offsetting potential impacts to manatees. With this type of dredge, the remaining potential impacts would be from ancillary vessels associated with work crews and equipment. There is, however, a requirement for the Corps to consider all types of equipment in the bidding process, including clamshell dredges. Because a clamshell dredge moves up and down throughout the water column as it removes material, the potential for encountering a manatee increases. It is probable that manatee observers would be able to offset this potential impact by halting work in the event a manatee travels in the immediate vicinity of a clamshell dredge operation. Manatee observers, however, are unable to spot manatees at night. Even under the best circumstances during the daytime, it is possible to miss animals that are present since they only surface for a few seconds to breathe.

The potential for adverse impacts to manatees varies widely depending on the type of equipment used, as well as the time of year that dredging activities occur. Based on these concerns, this project was determined to be potentially inconsistent with the Department's authorities in the Florida Coastal Management Program, specifically Chapter 370.12(2), F.S., the "Florida Manatee Sanctuary Act." However, following a meeting with state agencies on these issues, the Corps agreed to modify its Draft Environmental Assessment to include the following manatee protection measures:

1. The standard manatee protection construction conditions are to be followed for all in-water construction, including transfer of spoil by barge/tugboat;
2. All vessels associated with the project will install and maintain propeller guards;
3. All vessels associated with the project will travel at idle speed while traversing to, in, and from the project site;
4. If clamshell-type dredges are used for the project between 15 November and 31 March, no in-water work shall occur after sunset. Experienced, dedicated manatee observers shall be used during all daytime, in-water work. Manatee observers must also be preapproved by the Bureau of Protected Species Management; and
5. Work shall be halted and reconsultation with the U.S. Fish and Wildlife Service and the Department of Environmental Protection will be initiated should, as a result of this project, any person, at any time, by any means or in any manner, intentionally or negligently, annoy, molest, or disturb any manatee.

Use of a hydraulic dredge is preferred because of the project's proximity to an important warm water manatee aggregation area. The additional measures for a clamshell-type dredge for this project should not be misconstrued as a requirement which may be applied to all dredging activities in Tampa Bay. These measures are considered necessary in order to ensure that this project does not significantly affect the conservation of wildlife. Incorporating these measures as

Navigation Study/Tampa Harbor  
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Page Three

special conditions to the permit or other authorization is required to make the project consistent with the department's authorities in the Florida Coastal Management Program. This conclusion is based on information available during the review. If new information reveals impacts to protected species and/or their habitat that was not considered in this review, this biological opinion may be revised.

#### Other Environmental Resource Concerns

The proposed Big Bend Channel improvements will require an Environmental Resource Permit, pursuant to Ch. 373, F.S. The model simulation studies in the Big Bend Channel Study indicate that widening the existing entrance channel from 200 to 250 feet is necessary; however, the Feasibility Study recommends that the channel be widened from 200' to 300'. The applicant must demonstrate that proposed impacts have been minimized. The project would result in the creation of additional waters of the state which may not be expected to meet state water quality standards (i.e. dissolved oxygen). In this case, a variance to the permit may be required.

In addition, the report indicates that the dredged material will contain a high percentage of fines (40%-50%). Boring logs indicated that fines (exceeding the #200 sieve) ranged from approximately 5% to over 80%. The applicant must provide the Department with details relating to dredging methodology and disposal to address water quality concerns. The Department may require information relating to the potential release of contaminants such as metals and nutrients into the water column during dredging or disposal operations. This may be in the form of bulk sediment analysis and elutriate tests of the material to be dredged. Also, the resulting dredged material should be analyzed for potential beneficial uses. Questions concerning the permitting process should be directed to Ms. Lauren Milligan at (904) 488-0130. Currently, the DEP Southwest District staff are working with the Tampa Port Authority on specifics for modifications to Permit #291284589/Tampa Port Authority, Phase II 25-Year Permit. Applicable conditions in the permit for the Big Bend Channel improvements should conform with methodologies and monitoring requirements specified in the 25-year permit.

Lastly, the Department has concerns regarding the dredging of any productive shallow bottoms or areas with submerged aquatic vegetation due to the cumulative loss of these habitats in the past. Also, precautions should be taken to minimize turbidity levels in waters in and around the dredge site.

We appreciate the opportunity to review the Tampa Harbor-Big Bend Channel Feasibility Report and draft EA, and, based on the modifications to the project, find it consistent with our authorities in the Florida Coastal Management Program. Questions regarding our response should be directed to Lindy Broz at (904) 487-2231.

Cordially,



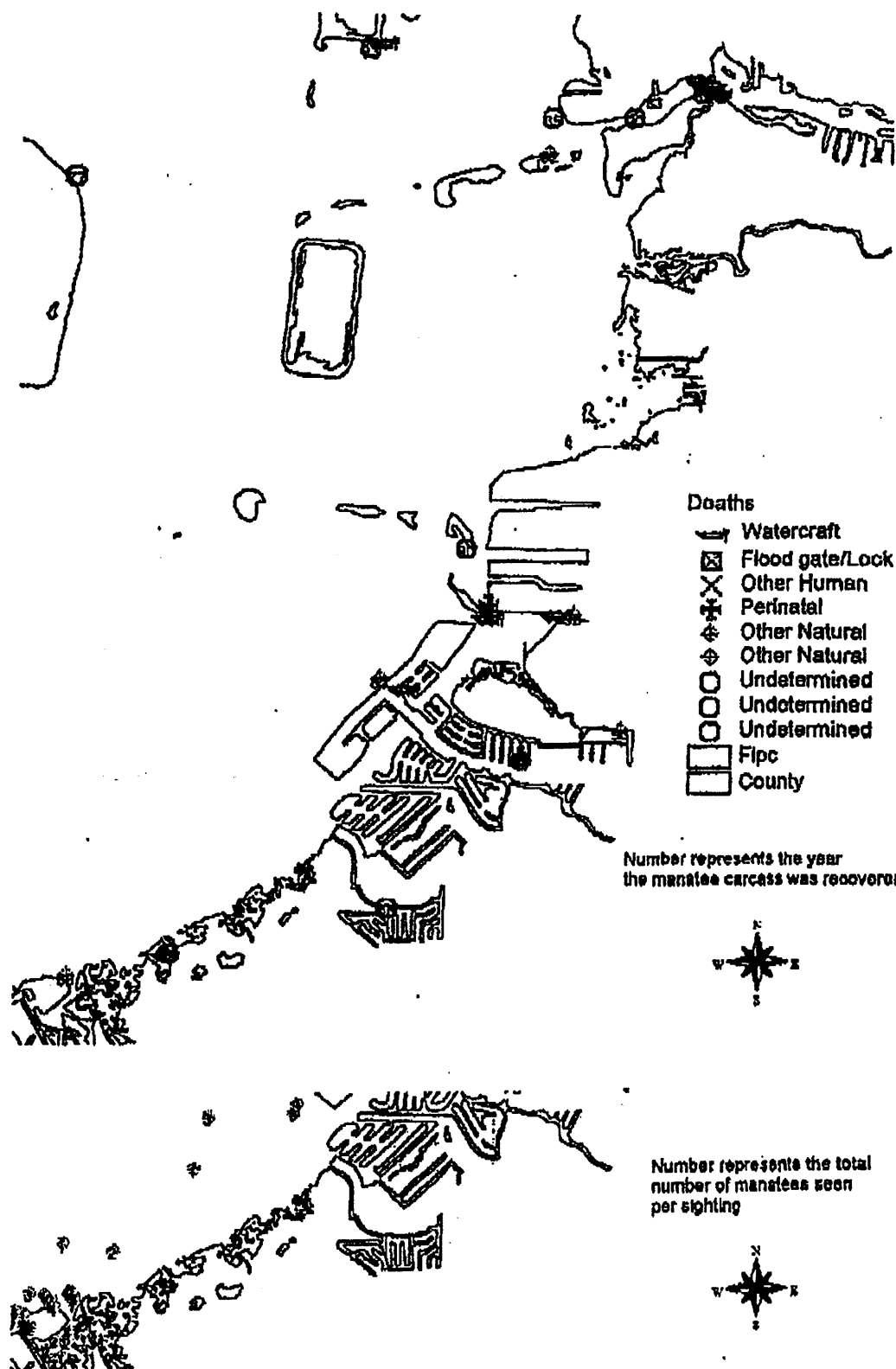
Lynn Griffin  
Environmental Administrator  
Office of Intergovernmental Programs

LG/mb

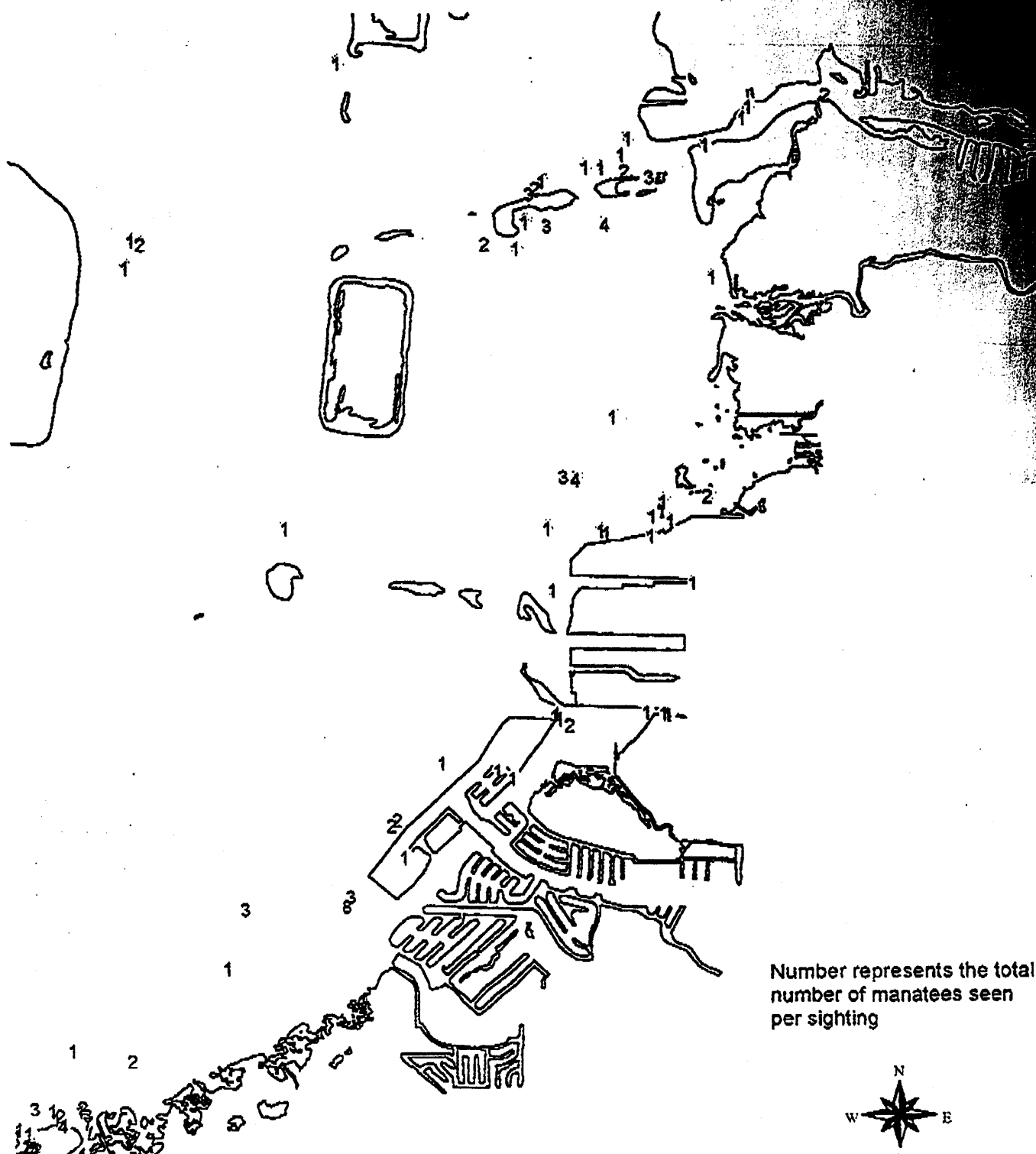
cc: Ed Conklin, Marine Resources  
Deborah Parrish, Office of Intergovernmental Programs  
Lauren Milligan, Environmental Resource Permitting



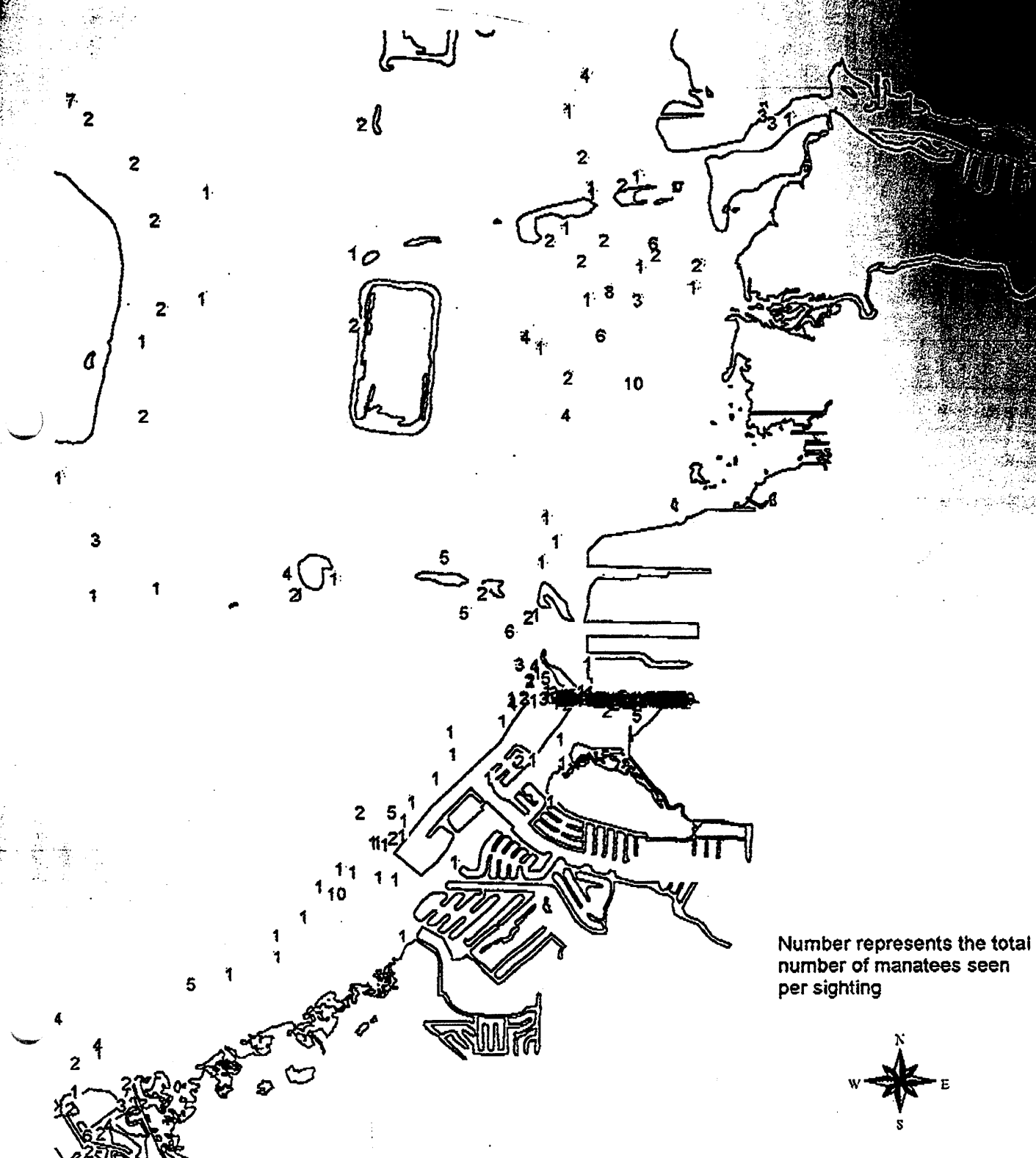
**Tampa Harbor-Big Bend Channel Project  
Manatee Mortality  
January 1974 through January 1996**



**Tampa Harbor-Big Bend Channel Project  
Manatee Aerial Survey Data ASTBFV  
11/13/87 - 5/27/94 88 Overflights  
April through October Months**



**Tampa Harbor-Big Bend Channel Project**  
**Manatee Aerial Survey Data ASTBFV**  
**11/13/87 - 5/27/94 88 Overflights**  
**November through March Months**





FLA. COASTAL MGMT.

TEL: 904-487-2899

Sep 13 96 17:15 No.010 P.20

COMMENTS L. 2-2 WKS: 07/18/96  
CLEARANCE DUE DATE: 08/01/96  
SAI#: 09/02/96

FL960718057

Message:

STATE AGENCIES

Community Affairs  
Environmental Protection  
Game and Fresh Water Fish Comm  
Marine Fisheries Commission  
State  
Transportation

WATER MANAGEMENT DISTRICTS

Southwest Florida WMD

OPB POLICY UNITS

X Environmental Policy/C & ED

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SEP 10 1996

State of Florida Clearinghouse

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JUL 19 1996

OFFICE OF PLANNING  
& BUDGETING  
ENVIRONMENTAL POLICY UNIT

The attached document requires a Coastal Zone Management Act/Florida Coastal Management Program consistency evaluation and is categorized as one of the following:

- Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.
- X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.
- Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.
- Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

Department of the Army - Draft - Navigation Study for Tampa Harbor - Big Bend Channel - 10128 - Feasibility Report and Environmental Assessment.

To: Florida State Clearinghouse  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100  
(904) 922-5438 (SC 292-5438)  
(904) 487-2899 (FAX)

EO. 12372/NEPA

Federal Consistency

- ☒ No Comment
- ☐ Comments Attached
- ☐ Not Applicable

- ☐ No Comment/Consistent
- ☐ Consistent/Comments Attached
- ☐ Inconsistent/Comments Attached
- ☐ Not Applicable

From:

Division/Bureau:

Reviewer:

Date:

ORB/ENV  
Caligaris  
9-9-96

FLA. COASTAL MGMT.

TEL: 904-487-2899

Sep 13 96 17:15 No. 010 P.21

DATE: 07/18/96

COMMENTS DUE - 2 WKS: 08/01/96

CLEARANCE DUE DATE: 09/02/96

SAT#: FL9607180575C

Message:

STATE AGENCIES

X Community Affairs  
Environmental Protection  
Game and Fresh Water Fish Comm  
Marine Fisheries Commission  
State  
Transportation

WATER MANAGEMENT DISTRICTS

Southwest Florida WMD

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JUL 18 1996  
Florida Coastal  
Management Program

OPB POLICY UNITS

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- ☐ Inconsistent/Comments Attached
- ☐ Not Applicable

From: DCA

Division/Bureau: FCT, RAM, CMP

Reviewer:

Date: 9 SEP 96

FLA. COASTAL MGMT.

TEL:904-487-2899

Sep 13 96 17:16 No.010 P.22

COMMENTS: -UE-2 WKS:

07/18/96

CLEARANCE DUE DATE:

08/01/96

SAI#:

09/02/96

FL96071805751

Message:

STATE AGENCIES

Community Affairs  
Environmental Protection  
Game and Fresh Water Fish Comm  
Marine Fisheries Commission  
X State  
Transportation

WATER MANAGEMENT DISTRICTS

Southwest Florida WMD

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Environmental Policy/C & ED

AUFLA  
SAI-EA-CORPS

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Xref: 903536

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EO. 12372/NEPA

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☒ No Comment  
☐ Comments Attached  
☐ Not Applicable

☒ No Comment/Consistent  
☐ Consistent/Comments Attached  
☐ Inconsistent/Comments Attached  
☐ Not Applicable

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JUL 22 1996

COMPLIANCE & REVIEW SECTION

From:

Division/Bureau: Division of Historical Resources

Reviewer: [Signature]

Date: 8/6/96

FLA. COASTAL MGMT.

TEL:904-487-2899

Sep 13 96 17:16 No.010 P.23

DATE: 07/18/96  
COMMENTS DUE-2 WKS: 08/01/96  
CLEARANCE DUE DATE: 09/02/96  
SAI#: FL9607180575C

Message:

STATE AGENCIES

Community Affairs  
Environmental Protection  
Game and Fresh Water Fish Comm  
X Marine Fisheries Commission  
State  
Transportation

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JUL 23 1996

MARINE FISHERIES  
COMMISSION

WATER MANAGEMENT DISTRICTS

Southwest Florida WMD

OPB POLICY UNITS

Environmental Policy/C & ED

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JUL 30 1996

State of Florida Clearinghouse

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- ☐ Not Applicable

- ☐ No Comment/Consistent
- ☐ Consistent/Comments Attached
- ☐ Inconsistent/Comments Attached
- ☒ Not Applicable

From:

Division/Bureau:

Reviewer:

Date:

MARINE FISHERIES COMMISSION  
2540 EXECUTIVE CENTER CIRCLE WEST  
SUITE 106  
TALLAHASSEE, FLORIDA 32301

*[Signature]*  
7-26-96

## Message:

## STATE AGENCIES

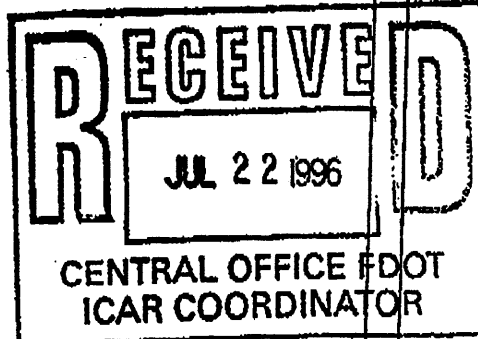
Community Affairs  
Environmental Protection  
Game and Fresh Water Fish Comm  
Marine Fisheries Commission  
State  
X Transportation

## WATER MANAGEMENT DISTRICTS

Southwest Florida WMD

## OPB POLICY UNITS

Environmental Policy/C & ED



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— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

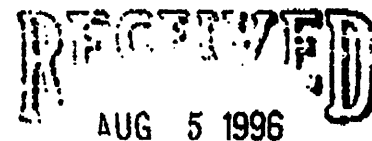
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Federal Consistency

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☐ Comments Attached  
☐ Not Applicable

- ☒ No Comment/Consistent  
☐ Consistent/Comments Attached  
☐ Inconsistent/Comments Attached  
☐ Not Applicable

## From:

Division/Bureau: FDOT RAIL OFFICE

Reviewer: John D. Thayer ADMINISTRATIVE - PORTS/INTERSTATE

Date: 8/1/96

# EXHIBIT IV

COMPLIANCE WITH  
ENVIRONMENTAL LAWS AND REGULATIONS



TABLE 1-7. RELATIONSHIP OF SELECTED PLANS TO FEDERAL ENVIRONMENTAL PROTECTION STATUTES AND OTHER ENVIRONMENTAL REQUIREMENTS  
TAMPA HARBOR - BIG BEND NAVIGATION STUDY, TAMPA, FLORIDA

Federal Statutes		Plan 1
Archaeological and Historic Preservation Act, as amended, 16 U.S.C. et seq	.....	Full
Clean Air Act, as amended, 42 U.S.C. 7401 et seq	.....	Full
Clean Water Act, as amended, 33 U.S.C. 1251 et seq	.....	Full
Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq	.....	Full
Federal Water Project Recreation Act, as amended, 16 U.S.C. 4601-12 et seq	.....	Full
Fish and Wildlife Coordination Act, as amended, 16 U.S.C. 661 et seq	.....	Full
National Environmental Policy Act of 1969, as amended, 42 U.S.C. 4321 et seq	.....	Full
National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 et seq	.....	Full
Coastal Zone Management Act	.....	Full
Executive Order		
Floodplain Management (E.O. 11988)	.....	Full
Protection of Wetlands (E.O. 11990)	.....	Full

NOTES: For each item listed enter one of the following:

- a. Full Compliance. Having met all requirements of the statute, E.O., or other environmental requirements for the current stage of planning (either pre-authorization of post-authorization).
- b. Partial Compliance. Not having met some of the requirements that normally are met in the current stage of planning. Partial compliance entries should be explained in appropriate places in the report and/or EA and referenced in the table.





1.0 National Environmental Policy Act of 1969, as amended. This document has been prepared in accordance with CEQ regulation CFR 1500 and Department of the Army Regulation ER 200-2-2. Scoping was conducted notifying the State of Florida, Federal agencies and members of the public of our intentions to study navigation problems within the Tampa Harbor - Big Bend Navigation Channel. The Draft Finding of No Significant Impact and EA was circulated for a period of 30 days starting on 26 June 1996. The study is in full compliance at this time.

2.0. Endangered Species Act of 1973, as amended. Consultation with the U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) for the purpose of determining if there is any potential impact on threatened or endangered species or critical habitat was conducted, and Exhibit I contains the Section 7 consultation correspondence. Of these species only the manatee was known to inhabit the area. A No Effect determination was reached by the Jacksonville District Office and concurred with by the USFWS. The Biological Opinion is contained within the FWCAR (Exhibit II).

3.0. Fish and Wildlife Coordination Act of 1958, as amended. The project has been thoroughly coordinated with the US Fish and Wildlife Service. A Fish and Wildlife Coordination Act Report was transmitted to this office by letter dated 4 February 1994 (Exhibit II). Their comments were considered in the formulation of the project.

4.0. National Historic Preservation Act of 1966, as amended (PL 89-655). Cultural resource study and coordination with the SHPO is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, the Archeological and Historic Preservation Act, and Executive Order 11593.

5.0. Clean Water Act of 1972, as amended. Section 401. State Water Quality Certification (WQC) will be sought from the Florida Department of Environmental Protection for the dredging in accordance with the Memorandum of Agreement between the US Army Corps of Engineers and the State of Florida during the Detailed Engineering Phase.

6.0. Clean Air Act of 1972, as amended. The Tampa Bay area is an attainment area for the criteria pollutants under the Act and is not governed by a State Implementation Plan (SIP). Since the project area is within an attainment area, the EPA rules for conformity determination do not apply. No air quality permits will be required for this project. The Draft EA will be coordinated with the Hillsborough County, Environmental Protection Commission. Therefore, this project is in compliance with the Act.

7.0. Coastal Zone Management Act of 1972, as amended. The project has been evaluated in accordance with Section 307 of the Coastal Zone Management Act (Appendix V). It has been determined that the project would have no unacceptable impacts and would be consistent with the Florida Coastal Zone Consistency Act. The State was requested to concur in that determination through coordination of EA with the State Clearinghouse. The

State concurred in that determination by letter dated 10 September 1996.

8.0. Wild and Scenic River Act of 1968, as amended. No designated Wild and Scenic river reaches will be affected by project related activities. This act is not applicable.

9.0. Marine Mammal Protection Act of 1972, as amended. The work was coordinated with the US Fish and Wildlife Service during the scoping period and during Section 7 Consultation pursuant to the Endangered Species Act. The West Indian manatee could be located in the project area, but would not be affected. The standard State manatee protection conditions as well as additional special conditions which include a manatee observer and propeller guards will be implemented during construction.

10.0. Estuary Protection Act of 1968. Tampa Bay is part of the National Estuary Program. The proposed work would not adversely affect this estuary. The Draft Finding of No Significant Impactand EA will be coordinated with the Department of the Interior and the Tampa Bay National Estuary Program.

11.0. Federal Water Project Recreation Act, as amended. Recreation development is authorized and permitted at local flood control projects under Section 4 of the 1944 Flood Control Act, as amended and is further regulated by the Land and Water Conservation Fund Act, the Federal Water Project Recreation Act (P.L. 89-65) and the Water Resources Development Act of 1986. This Act does not apply.

12.0. Resource Conservation and Recovery Act (RCRA) of 1976, (PL 94-580; 7 U.S.C. 100, et seq). The objective of this law is to track hazardous toxic and radiological waste (HTRW) from the time of generation to disposal. The law requires safe and secure procedures to be used in treating, transporting, storing and disposing of hazardous wastes. RCRA is designed to prevent new uncontrolled HTRW sites. It also covers storage and transportation of all identified wastes for disposal during construction of this project. No HTRW are anticipated at the site. Should HTRW be found during construction of this project, it would be disposed of in accordance with all Federal, state and local regulations.

13.0. Toxic Substances Control Act of 1976, (PL 94-469; U.S.C. 2601, et seq. An initial map reconnaissance of the project area, a review of available literature, and a site visit showed no indications of HTRW contaminants within the project corridor. Should HTRW be found during construction of this project, it would be disposed of in accordance with all Federal, state and local regulations. Therefore, the project is in compliance with the Act.

14.0. Archeology and Historic Preservation Act (PL 93-291). The project area has been investigated and no cultural resources have been identified that could be affected by the proposed work. This project has been coordinated with the State Historic Preservation Officer.

15.0. E.O. 11990, Protection of Wetlands. The objective of the Executive Order is to avoid

to the extent possible the long and short term adverse impacts associated with the destruction or modification of wetlands and to avoid direct or indirect support of new construction in wetlands wherever there is a practicable alternative. The selected plan has been evaluated in light of Executive Order 11990 on Protection of Wetlands. No wetlands would be affected by the proposed work. Therefore, the project would be consistent with the goals and intent of the Executive Order.

16.0. E.O. 11988, Floodplain Management. The objective of this Executive Order is to avoid to the extent possible the long and short term adverse impacts associated with occupancy and modification of the floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. No development of the floodplain would occur. Therefore, the Selected Plan is consistent with the objectives of Executive Order 11988 on Flood Plain Management.



# EXHIBIT V

COASTAL ZONE CONSISTENCY DETERMINATION



## **Florida Coastal Zone Management Program Federal Consistency Evaluation Procedures**

### **1. Chapter 161, Beach and Shore Preservation.**

The intent of the coastal construction permit program established by this chapter is to regulate construction projects located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed work project is not located along a beach and dune environment nor would the proposed channel widening effect beach processes. Therefore, this chapter does not apply.

### **2. Chapters 186 and 187, State and Regional Planning.**

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. It's purpose is to define in a broad sense, goals, and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic and physical growth.

Response: The proposed work will be coordinated with the State and Regional Planning Office during the NEPA process.

### **3. Chapter 252, Disaster Preparation, Response and Mitigation.**

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The dredging of the Big Bend Channel and disposal of material on either Sunken Island, the holes near Whiskey Stump Key, or CMDA-3D would protect the navigation channel which could be used in emergency situations for transportation purposes. Therefore, this work would be consistent with the efforts of Division of Emergency Management.

### **4. Chapter 253, State Lands.**

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes and other wetlands;



mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The use of these State lands has been approved by the State. There are no archeological resources at this site, no seagrass beds, or special aquatic communities. There are manatees located near the project during cooler months at the adjacent power plant, but they should not be affected by the work. In addition the State manatee protection conditions will be implemented to insure that manatees will not be harmed. The dredged material will be placed in disposal areas owned by the Tampa Port Authority. The proposed work would comply with the intent of this chapter.

5. Chapters 253, 259, 260, and 375, Land Acquisition.

This chapter authorizes the state to acquire land to protect environmentally sensitive areas.

Response: Since the affected property already is in public ownership, this chapter would not apply.

6. Chapter 258, State Parks and Aquatic Preserves.

This chapter authorizes the state to manage state parks and preserves. Consistency with this statute would include consideration of projects that would directly or indirectly adversely impact park property, natural resources, park programs, management or operations.

Response: The proposed work would not affect any state parks or preserves, and would, therefore, be consistent with this chapter.

7. Chapter 267, Historic Preservation.

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: The dredging has been coordinated with the State Historic Preservation Officer and according to their records no sites listed by the SHPO would be affected by the proposed work. However, should new resources be found the work will cease and the SHPO will be contacted to determine the steps necessary to comply with the Historic Preservation Act. Therefore, the work will be consistent with the goals of this chapter.

8. Chapter 288, Economic Development and Tourism